

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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WRIT PETITION No.1115 of 2006

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DATED: 24-01-2006

Between:

K.Ravindra Kumar . . .Petitioner

And

The President, AEL Educational Institutions, Guntur,
and others . . .Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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WRIT PETITION No.1115 of 2006

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ORDER:

The petitioner was appointed as a lecturer in A.C. College, Guntur, on 14-11-1974. The college was admitted to grant-in-aid, with effect from 1978. It is stated that in the year 1996, the respondents prepared the seniority list of the lecturers in that college. The petitioner was placed at Sl.No.69. He was appointed as a Vice-Principal by the management through orders, dated 28-01-2004.

The third respondent is said to have been appointed as demonstrator, against a leave vacancy on 01-09-1977. She is said to have been placed at Sl.No.83 in the seniority list prepared in the year 1996. The grievance of the petitioner is that the management of the college has not only appointed the third respondent as another Vice-Principal, but has accorded primacy to her, by treating her as Vice-Principal No.1 and the petitioner as Vice-Principal No.2. Several grounds were urged by the learned counsel for the petitioner.

Sri K.G.Krishnamurthy, learned counsel for the third respondent, who filed caveat, submits that the seniority list of the lecturers has since been modified in the year 2001 and in fact, the name of the writ petitioner does not find place in it, at all. He contends that the writ petition is not maintainable, since the petitioner has to exhaust his alternative remedy of appeal.

Heard the learned counsel for the Government Pleader for Higher Education.

The grievance of the petitioner is that though the third respondent is junior to him, she has been appointed as Vice-Principal No.1 and in probability, the management is likely to place her as in-charge Principal in the ensuing vacancy. There is some controversy as to the *inter se* seniority between the

petitioner and the third respondent. This Court cannot adjudicate the disputed questions of fact, in writ petitions. Section 89 of the A.P. Education Act provides for appeals against any order passed by the concerned authorities. The petitioner can avail the remedy of appeal, if he feels aggrieved either by the revision of the seniority or appointment of the third respondent as Vice-Principal No.1. Further, the management made these arrangements in July, 2005. This Court cannot interfere at this stage.

For the foregoing reasons, the writ petition is disposed of, leaving it open to the petitioner to avail the remedy of appeal before the appellate authority. If the appeal is presented within two weeks from today, it shall be entertained as having been presented within the period of limitation and the appellate authority shall take up the matter and pass appropriate orders. There shall be no order as to costs.

(L.NARASIMHA REDDY, J)

24th JANUARY, 2006.

Note: furnish copy by tomorrow.

B/o

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